

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES – June 18, 2019**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Also, Present: Matthew Hall, Manager  
Laurie A. Barton Borough Clerk  
Leslie Parikh, Attorney

Oath of Office

Attorney Parikh gave the oath of office to John Musick for the vacancy of a council seat.

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

**COUNCIL APPEARANCE**

Dr. Will Austin, President and Dr. Phil Linfante, Trustee Chair, Samir Alsant, Warren County Community College, gave a short presentation on the achievements and new additions and programs to Warren County Community College.

Lt. Kaufman, Washington Township Police Department, gave the monthly report from May.

Justin Flynn, Rail Road Avenue, discussed his concerns of everything going on at Rail Road Park across the street from his house involving members from the Recreation Department.

Donna Cooper, Fisher Ave., expressed same sentiments as Mr. Flynn regarding the Rail Road Park.

Kries, Washburn Ave., presented his concerns of the chicken coup that was left on the property across the street from his house which poses a fire hazard.

Heather Kries, Washburn Ave., stated her concerns with the Rail Road park as she raises monarch butterflies which are endangered. Mrs. Kries also stated her lawn chairs were recently stolen from her property

Len, (last name inaudible), Washburn Ave., stated he litigated the piece of property being spoken about tonight (Rail Road Park) and gave details on the history of the lawsuit which he states he won.

Mel Thiel, BID Executive Director, gave updates on the flower pots and planters being placed around the borough. Ms. Thiel also stated that the money that was raised for the bike racks and benches has been spent towards the purchase of those items.

Hearing no further public comment from the audience, motion made by Noone and seconded by Valle to close the audience portion.

Ayes: 7 Nays: 0  
Motion Carried.

## **MINUTES**

Motion made by Conry and seconded by Duchemin to approve the meeting minutes of regular meetings; May 7, 2019 and May 21, 2019 with amendments to May 7<sup>th</sup> minutes.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

## **VOUCHERS AND CLAIMS**

Motion made by Valle seconded by Duchemin to pay the vouchers and claims in the amount of \$883,490.59 from the current fund and \$ 966,208.18 from sewer.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

## **NEW BUSINESS**

## **ORDINANCES**

Motion made by Noone to open the public hearing on Ordinance 2019-13 motion seconded by Duchemin, all were in favor.

Hearing no public comment, motion made by Noone and seconded by Conry to close the public hearing, all were in favor.

Motion made by Conry and seconded by Duchemin to adopt Ordinance 2019-13.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

### **ORDINANCE 2019-13 ORDINANCE GRANTING A SIGN EASEMENT OVER A PORTION OF PROPERTY OWNED BY THE BOROUGH OF WASHINGTON IDENTIFIED AS BLOCK 26, LOT 10**

**WHEREAS**, the Borough of Washington (the “Borough”) is the owner of certain property identified as Block 26, Lot 10 on the Borough of Washington Tax Maps; and

**WHEREAS**, Block 26, Lot 10 is a vacant strip of land along Route 31 that is not needed for any public purposes; and

**WHEREAS**, Washington 31, LLC is under contract to purchase adjacent properties identified as Block 26, Lots 5, 6, 7, and 8 on the Borough of Washington Tax Maps; and

**WHEREAS**, Washington 31, LLC intends to merge and redevelop the aforementioned lots as a CVS Pharmacy; and

**WHEREAS**, the aforementioned lots do not have frontage on Route 31, which Washington 31, LLC has advised is essential for the success of the proposed redevelopment; and

**WHEREAS**, the Borough previously granted Washington 31, LLC an access easement over Block 26, Lot 10 permitting the construction of a driveway to access the proposed CVS Pharmacy; and

**WHEREAS**, Washington 31, LLC has requested that it be permitted to place directional signage on Block 26, Lot 10; and

**WHEREAS**, N.J.S.A. 40A:12-1 permits the conveyance of an interest in land note needed for a public purpose; and

**WHEREAS**, the public’s interest in Block 26, Lot 10 is not affected by the granting of a sign easement; and

**WHEREAS**, the Borough believes it is in the best interest of its residents to grant such sign easement because it furthers the purposes of the Downtown Redevelopment

Plan and increases the value of Block 26, Lots 5, 6, 7, and 8, resulting in an increased tax assessment and tax revenue; and

**NOW THEREFORE BE IT ORDAINED** by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey as follows:

**SECTION 1.** The Borough of Washington is hereby authorized to enter into sign easement over a portion of Block 26, Lot 10, owned by the Borough, in a form substantially similar to that attached hereto as **Exhibit A**.

**SECTION 2.** The Mayor and Borough Clerk are hereby authorized to execute all documents necessary for the conveyance of such easement.

**SECTION 3.** The land subject to the proposed easement is not needed for public purpose and it is determined to be in the best interests of the Borough of Washington to permit such easement.

**SECTION 4:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 6:** This ordinance shall take effect after second reading and publication as required by Law.

Motion made by Conry to open the public hearing on Ordinance 2019-14 motion seconded by Duchemin, all were in favor.

Hearing no public comment, motion made by Conry and seconded by Duchemin to close the public hearing, all were in favor.

Motion made by Conry and seconded by Noone to adopt Ordinance 2019-14.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

#### **ORDINANCE 2019-14**

**BOND ORDINANCE PROVIDING FOR THE  
ACQUISITION OF A NEW STREET SWEEPER BY  
THE BOROUGH OF WASHINGTON, IN THE  
COUNTY OF WARREN, NEW JERSEY,  
APPROPRIATING \$250,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$237,500**

**BONDS OR NOTES OF THE BOROUGH FOR  
FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE MAYOR AND COMMON  
COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF  
WARREN, NEW JERSEY** (not less than two-thirds of all the members thereof  
affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$250,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$12,500 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$250,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$237,500 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$237,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

(a) The improvement hereby authorized and purpose for the

financing of which said obligations are to be issued is the acquisition, by purchase, of new and additional vehicular equipment for use by the Department of Public Works of the Borough, including one (1) street sweeper, together with all equipment, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$237,500.

The estimated cost of said purpose is \$250,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$12,500 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local

Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$237,500, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$5,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale

or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.



Motion made by Conry to open the public hearing on Ordinance 2019-15 motion seconded by Norris, all were in favor.

Hearing no public comment, motion made by Noone and seconded by Duchemin to close the public hearing, all were in favor.

Motion made by Conry and seconded by Duchemin to adopt Ordinance 2019-15.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

**ORDINANCE 2019-15**

**ORDINANCE PROVIDING FOR VARIOUS SEWER  
UTILITY IMPROVEMENTS BY THE BOROUGH OF  
WASHINGTON, IN THE COUNTY OF WARREN, NEW  
JERSEY, AND APPROPRIATING \$300,000 THEREFOR  
FROM MONEYS IN THE SEWER CAPITAL  
IMPROVEMENT FUND OF THE BOROUGH.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF  
THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS  
FOLLOWS:**

The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey, and there is hereby appropriated therefor the sum of \$300,000 from moneys available in the Sewer Capital Improvement Fund of the Borough.

The improvements hereby authorized and the purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance include the upgrade and rehabilitation of sewer lines, pipes and manholes so as to mitigate infiltration and inflow, the acquisition by purchase of a new sewer camera, and the improvement and rehabilitation of the sewer plant in and the Borough, together with for all the aforesaid all structures, equipment, site work, work and materials necessary therefor or

incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

Motion made by Duchemin to open the public hearing on Ordinance 2019-16 motion seconded by Noone, all were in favor.

Hearing no public comment, motion made by Conry and seconded by Duchemin to close the public hearing, all were in favor.

Motion made by Conry and seconded by Noone to adopt Ordinance 2019-16.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

**ORDINANCE 2019-16**

**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AND APPROPRIATING \$265,000 THEREFOR FROM MONEYS IN THE GENERAL CAPITAL IMPROVEMENT FUND OF THE BOROUGH.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:**

The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey, and there is hereby appropriated therefor the sum of \$265,000 from moneys available in the General Capital Improvement Fund of the Borough.

The improvements hereby authorized and the purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance include the acquisition and installation of new computer equipment, the improvement, reconstruction and resurfacing of various roads and locations in the Borough, and the renovation, rehabilitation and upgrade of Borough Hall, together with for all the aforesaid all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

## **RESOLUTIONS**

Motion made by Conry and seconded by Valle to approve Resolution 2019-97

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

### **RESOLUTION 2019-97**

#### **A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 7, 2014 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$318.42 or taxes or other municipal liens assessed for the year 2013 in the name of Smith, Charles A. & April M. as supposed owners, and in said assessment and sale were described as 79 McDonald St., Block 2.03 Lot 5, which sale was evidenced by certificate #14-00003 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do

certify that on 5-30-19 and before the right to redeem was cut off, as provided by law, SLS Home Loans on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,922.81 which is the amount necessary to redeem Tax Sale Certificate #14-00003.

**NOW THEREFORE BE IT RESOLVED**, on this 18th day of June 2019 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$4,922.81** (This consists of \$3,922.81 Certificate Amount redeemed + \$1,000.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 2.03 Lot 5 from the tax office records.

Motion made by Conry and seconded by Valle to approve Resolution 2019-98

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

**RESOLUTION 2019-98  
BOROUGH OF WASHINGTON SHARED SERVICES AGREEMENT  
FOR SHARING ANIMAL CONTROL OFFICER VEHICLE BETWEEN  
OTHER MUNICIPALITIES IN THE COUNTY OF WARREN**

**AGREEMENT**

**AGREEMENT**, made this 18<sup>th</sup> day of June, 2019 by and between the Borough of Washington, New Jersey 07882 and any municipality in the County of Warren that adopts a similar Animal Control Officer (ACO) Vehicle Shared Services Agreement Resolution, hereinafter referred to as the “Designated Municipalities”.

**WITNESSETH:**

**WHEREAS**, Borough of Washington is desirous of sharing the Borough of Washington’s ACO vehicle with other municipalities in accordance with the terms of this Agreement; and

**WHEREAS**, the Uniform Shared Services & Consolidation Act (**N.J.S.A. 40A:65-1 et seq.**) authorizes and empowers the Borough of Washington to enter into the Agreement.

**NOW, THEREFORE, BE IT AGREED AS FOLLOWS:**

1. Scope of Services

The Borough of Washington agrees to lend a ACO vehicle from the Borough of Washington to Warren County municipalities as support for animal control services outside of Washington Borough's boundaries and outside of the current shared services agreement for full animal control services with various municipalities for efficiency and effectiveness of operations

It must be clearly understood by all parties concerned that the Borough of Washington's ACO vehicle must be available for Borough of Washington's projects whenever needed. Therefore, the ACO will only be available whenever not in use or scheduled to be used for a Borough of Washington project and then, it will only be made available at the sole discretion of the Borough Manager.

2. Term

This Agreement shall extend from June 1<sup>st</sup>, 2019 until an updated original Resolution of the Borough Council of the Borough of Washington is adopted by Borough of Washington for the purposes of updating the terms set forth herein. Either party may cancel this Agreement upon thirty (30) days' written notice to others.

3. Compensation

The Borough of Washington's ACO will keep a log of miles when used for ACO's services outside of Washington Borough's boundaries for the agreeing municipality and the agreeing municipality will pay the Borough of Washington for use of the ACO vehicle as per the going IRS mileage rate for said vehicle.

The above annual amounts shall be paid in equal quarterly installments due: March, June, September and December of each year during the term.

Upon adoption of said resolution and in addition to the use of the IRS mileage rate for the use of the ACO vehicle the agreeing municipality will pay the Borough of Washington an annual fee according to Schedule under section 12 below.

4. Contact Person

The Municipality agrees to appoint a person to act as a liaison to serve as the Contact Person with the Animal Control Officer of the Borough of Washington in order to support and facilitate the orderly and efficient distribution of ACO vehicle and related information to the Borough Manager.

5. Effective Date

This Agreement shall become effective as of June 18, 2019, upon passage of Resolution 2019-98 by the Borough of Washington.

6. Level of Service

The Borough of Washington agrees to provide all services in a professional and workmanlike manner.

7. Power and Authority of Borough of Washington

The Borough of Washington, in performing the services under this contract, shall have full power and authority to undertake any ancillary operation reasonably necessary or convenient to carry out its duties, responsibilities and obligations under the contract.

8. Other Agreements

The Borough of Washington reserves the right to enter into any other contracts with other public or private entities for the performance of any services which may be included within the scope of services provided in this Agreement. Nothing herein shall constitute full animal control services provided by the Borough of Washington (other than use of the ACO vehicle) pursuant to the Borough's agreement with various other municipalities. If any member municipality of this agreement shall sign an agreement for full ACO services with the Borough of Washington, this agreement agree shall immediately become null and void and the agreement for full ACO services shall supersede and continue in full force.

9. Dispute of Payment

In the event of any dispute as to the amount to be paid under the terms of this Agreement, the full amount to be paid in accordance with paragraph 3 shall be paid.

10. Indemnification

Each municipality and the Borough of Washington hereby indemnifies and holds the other harmless against all losses, claims or liabilities of any kind (including reasonable attorney's fees and costs) for personal injury or property damages arising out of the actions taken by either party pursuant to this Agreement.

11. Insurance

During the term of this Agreement, the Borough of Washington will keep in force at its expense, (i) public liability insurance including contractual liability, with carriers authorized to do business in New Jersey with minimum limits of \$1,000,000.00 on account of bodily injuries or death of one person and \$1,000,000.00 on account of bodily injuries or death of more than one person as the result of any one accident or disaster; and (ii) property damage insurance for loss or damage of \$100,000.00. The agreeing municipality shall provide a Certificate of Insurance naming the Borough of Washington as additional insured and stating that said policy cannot be cancelled except on thirty (30) days' written notice to the Borough of Washington.

12. Miscellaneous

This Agreement may only be modified in writing, duly authorized, signed and forwarded to the Mayor of each Municipality. All notices, statements or other documents required by this Agreement shall be hand-delivered or mailed to the following addresses:

FOR THE MUNICIPALITIES:

Town of Belvidere: \$1500.00

Town Hall, 691 Water Street, Belvidere, NJ 07823

Oxford Township: \$1500.00

Municipal Building, 11 Green Street, PO Box 119, Oxford, NJ 07863

White Township: \$1500.00

Municipal Building, 555 CR 519, Belvidere, NJ 07823

Harmony Township: \$1500.00

Municipal Building, 3003 Belvidere Road, Phillipsburg, NJ 08865

FOR THE BOROUGH OF WASHINGTON:

Borough of Washington  
Matthew C. Hall, MPA  
Borough Manager  
100 Belvidere Avenue  
Washington, NJ 07882

13. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

14. Entire Agreement

This Agreement sets forth the entire understanding of the parties hereto with respect to the transactions contemplated herein. No change or modification of this Agreement shall be valid unless the same shall be in writing and approved by the Borough Council of the Borough of Washington.

15. Severability

If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged to be invalid by any Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first above written.

Motion made by Conry and seconded by Duchemin to approve Resolution 2019-99

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

**RESOLUTION 2019-99**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 19, 2018 to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$3,792.33 for taxes or other municipal liens assessed for the year 2017 in the name of 59 East Ave LLC as supposed owner, and in said assessment and sale were described as 43 E. Stewart St., Block 28.02 Lot 1, which sale was evidenced by certificate #18-00009 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-31-19 and before the right to redeem was cut off, as provided by law, PNC Bank



claiming to have an interest in said lands, did redeem said lands claimed by Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$15,161.88 which is the amount necessary to redeem Tax Sale Certificate #18-00009.

**NOW THEREFORE BE IT RESOLVED**, on this 18th day of June 2019 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$15,161.88** (This consists of \$15,161.88 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 28.02 Lot 1 from the tax office records.

Motion made by Valle and seconded by Conry to approve Resolution 2019-100

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

**RESOLUTION 2019-100**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 19, 2018 to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$655.61 for taxes or other municipal liens assessed for the year 2017 in the name of Altonen, Robert & Vicki as supposed owners, and in said assessment and sale were described as 9 Presidential Drive, Block 72 Lot 16, which sale was evidenced by certificate #18-00018 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-6-19 and before the right to redeem was cut off, as provided by law, Wells Fargo claiming to have an interest in said lands, did redeem said lands claimed by Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,577.98 which is the amount necessary to redeem Tax Sale Certificate #18-00018.

**NOW THEREFORE BE IT RESOLVED**, on this 18th day of June 2019 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$1,577.98** (This consists of \$1,577.98 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 72 Lot 16 from the tax office records.

Motion made by Duchemin and seconded by Conry to approve Resolution 2019-101

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

**RESOLUTION 2019-101  
RETAIL DISTRIBUTION LICENSE  
LINSKO, INC (SCOTTY'S STADIUM)  
LICENSE NUMBER #2121-33-004-007**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

**License # 2121-33-004-007**

Linsco, Inc.  
(Scottys Stadium)  
15 Belvidere Ave.  
Washington NJ 07882

From July 1, 2019 – June 30, 2020, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Conry and seconded by Noone to approve Resolution 2019-102

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

**RESOLUTION 2019-102  
RETAIL DISTRIBUTION LICENSE  
VMI OF WASHINGTON  
(ENZO'S RESTAURANT)  
LICENSE NUMBER #2121-33-001-005**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

**License # 2121-33-001-005**

VMI of Washington, Inc.

(Enzo's Restaurant)

328 W. Washington Ave.

Washington NJ 07882

From July 1, 2019 – June 30, 2020, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Conry and seconded by Duchemin to approve Resolution 2019-103

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

**RESOLUTION 2019-103  
RETAIL DISTRIBUTION LICENSE  
PHILBERTS PUB  
LICENSE NUMBER #2121-33-005-006**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

**License # 2121-33-005-006**

Philberts Pub

101 W. Washington Ave.

Washington NJ 07882

From July 1, 2019 – June 30, 2020, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Duchemin and seconded by Conry to approve Resolution 2019-104

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

**RESOLUTION 2019-104  
PLENARY RETAIL DISTRIBUTION  
WILLIAMS IRISH TAVERN  
LICENSE NUMBER #2121-33-007-004**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

**License # 2121-33-007-004**  
Williams Irish Tavern LLC  
101 E. Washington Ave.  
Washington NJ 07882

From July 1, 2019 – June 30, 2020, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Noone and seconded by Conry to approve Resolution 2019-105

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

**RESOLUTION 2019-105**

**RESOLUTION 2019- MODIFYING THE POLICE SERVICES CONTRACT BETWEEN  
THE BOROUGH OF WASHINGTON, TOWNSHIP OF WASHINGTON, AND  
TOWNSHIP OF OXFORD**

**WHEREAS**, The Borough of Washington, Township of Washington, and Township of Oxford have previously agreed that the citizens of their respective communities can be better served, at a reduced expenditure of scarce tax dollars, by arranging for the joint provision of certain governmental services as permitted by N.J.S.A. 40:8A-1, et seq.; and

**WHEREAS**, The Borough of Washington, Township of Washington, and Township of Oxford continue to participate in a shared service agreement for Police Services pursuant to Borough of Washington **Resolution 2016-108** and Township of Washington **Resolution 2016-102**;

**WHEREAS**, The Borough of Washington, Township of Washington, Township of Oxford and the Oxford Central School District mutually agree to the following modifications to the Washington Township Police Shared Services Contract;

**NOW THEREFORE BE IT RESOLVED**, that a Class II Officer shall be shared between the Oxford Central School District as a School Resource Officer (SRO) between 8:45 a.m. - 9:45 a.m. and 1:45 p.m. - 2:45 p.m. (while school is in session); The Borough of Washington as a Parking Enforcement Officer from 10:00 a.m. - 1:30 p.m. Monday through Friday during the school year and three (3) hours per day Monday through Friday at random intervals outside of the school year.

The breakdown of annual shared costs shall be:

**Oxford School [Thirty-six (36) weeks two (2) hours per day]**

**\$10,000.00**

**Washington Borough [Thirty-six (36) weeks three and one half (3.5) hours per day/  
Sixteen (16) weeks three(3) hours per day]**

**\$24,000.00**

**Washington Township [Sixteen (16) weeks three (3) hours per day]**

**\$7,000.00**

**Total Cost:**

**\$41,000.00**

Motion made by Conry and seconded by Valle to approve Resolution 2019-106

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

**RESOLUTION 2019-106**  
**RESOLUTION AUTHORIZING TILCON TO PAVE BOROUGH ROADS**

**WHEREAS**, various roadways in the Borough of Washington are in need of repaving;  
and

**WHEREAS, N.J.S.A. 40A:11-11(5)** authorizes contracting units to establish a  
Cooperative  
Pricing System and to enter into Cooperative Pricing Agreements for its administration;  
and

**WHEREAS**, the Borough of Washington is a member of the Morris County Cooperative  
Purchasing Council (MCCPC) which awarded Contract # 6: Road Resurfacing to Tilcon  
New  
York, Inc.; and

**WHEREAS**, pursuant to Borough of Washington Resolution 2018-108 authorized the  
creation of a five (5) year paving plan for road paving; and

**WHEREAS**, the following roads are slated for repaving in 2019 with the addition of  
North Prospect Street which was delayed from 2018 due to water utility upgrades;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of  
Washington, County of Warren that Tilcon New York, Inc. is authorized to mill and pave  
the  
following roadways listed herein:

West Warren Street	(Grand to McDonald)
West Stewart Street	(North Lincoln to Belvidere)
Robin Road	(Flower to Sunrise)
Gibson Place	(McKinley to McKinley)
Van Buren Street	(Adams to McKinley)
North Prospect Street	(Route 57 to Carlton)

**BE IT FURTHER RESOLVED**, that the paving and resurfacing of roadways listed  
herein be authorized at a cost not to exceed \$200,000.

Motion made by Conry and seconded by Duchemin to approve Resolution 2019-107

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

**RESOLUTION 2019-107**  
**RESOLUTION ESTABLISHING AN HOURLY RATE FOR PROFESSIONAL**  
**ENGINEERING SERVICES RENDERED BY BOROUGH OF WASHINGTON**

**ENGINEER AND SUPPORTING PROFESSIONALS PURSUANT TO N.J.S.A. 40:55D-53.2(a)**

**WHEREAS**, pursuant to **N.J.S.A. 40:55D-53.2(a)** et seq. a municipality shall assess a charge not exceeding 200% of the hourly rate of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development, or inspection of the developers improvements, as the case may be; and

**WHEREAS**, pursuant to the shared service agreement for a staff engineer between the Borough of Washington and the Township of Washington authorized by Borough of Washington **Resolution 2019-20** attached hereto and made a part hereof as **EXHIBIT A**; and

**WHEREAS**, further pursuant to Township of Washington **Resolution 2019-80** setting the annual salary for the shared staff engineer attached hereto and made a part hereof as **EXHIBIT B**; and

**WHEREAS**, pursuant to Township of Washington **Ordinance 2019-04, Ordinance 2019-06, and Resolution 2019-87** setting various rates and salary ranges for engineering professionals including the position of construction inspector attached hereto and made a part hereof as **EXHIBIT C**;

**NOW, THEREFORE, BE IT RESOLVED**, that the hourly rate charged by the Borough of Washington for professional engineering services shall be pro-rata to 200% of the hourly rate set by the Township of Washington for the staff engineer and/or construction inspector and other support staff and further pursuant to any annual salary adjustments applicable thereto that the Township Committee shall deem necessary.

Motion made by Conry and seconded by Noone to approve Resolution 2019-108

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.

**RESOLUTION 2019-108**

**RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, CONFIRMING THE SALE OF PROPERTY LOCATED AT BLOCK 100, LOT 52 PURSUANT TO N.J.S.A. 40A:12-13**

**WHEREAS**, Lot 52 of Block 100 (the "Property"), which consists of 12.16 acres, was acquired by the Borough of Washington through tax foreclosure and is not needed for public purposes; and

**WHEREAS**, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

**WHEREAS**, pursuant to Ordinance No. 2018-20 adopted on November 8, 2019. the Borough authorized the sale of such land by Open Public Sale to the highest bidder as authorized by **N.J.S.A. 40A:12-13(a)**; and

**WHEREAS**, such public sale was held at the Borough of Washington Municipal Building June 4, 2019 at 10:00 am; and

**WHEREAS**, only one bid was received from J&M Land Holding in the amount of \$15,000; and

**WHEREAS**, such bid was accompanied by the required deposit; and

**WHEREAS**, such bid referenced the bidder's willingness to negotiate the sale price; however, the Borough is considering such bid to be for the stated amount of \$15,000.00; and

**WHEREAS**, such bid also stated that it is the bidder's intention to subdivide the Property and donate approximately 7 acres of it to the Borough, which portion of the Property contains a Borough sewer line.

**NOW, THEREFORE, BE IT RESOLVED** by Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

1. The sale of the Property identified as Lot 52 of Block 100 on the Tax Maps of the Borough of Washington, Warren County, New Jersey is authorized to J&M Land Holding in the amount of \$15,000.00, subject to any conditions or terms affecting the sale or revisionary Deed, as the case may be.
2. The Mayor and Clerk are authorized to execute the Contract of Sale, Deed and any other documents required to effectuate closing.
3. This resolution shall take effect immediately.

## **RECAP**

M. Hall recapped the following:

- Follow up with Kevin Smith regarding the chicken barn at Rail Road Park.
- Speak with Mr. Kries.
- Reinforce that the Recreation Commission cease all work being conducted on the property.

Motion made by Noone and seconded by Norris that no more volunteer work or recreation work be done at the Rail Road Avenue park until further discussion with the Manager.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0  
Motion carried.



- Manager Hall will have a written report on the trip he and Jonathan James, DPW, took regarding garbage services done through the town.

### **COUNCIL REMARKS**

Councilman Norris spoke on having Abilities do professionals shirts for employees of the borough.

Councilwoman Noone thanked the BID Executive Director Thiel and the administrative assistant Maryann for work they did for the Green Fest. Councilwoman Noone spoke of the butterfly release that was done and stated two more businesses had grand openings.

Councilwoman Valle stated she is glad Route 57 has been paved.

Councilwoman Duchemin thanked the Manager for getting the pool open on time and stated that Gary and his family is in her thoughts for his well-being.

Deputy Mayor Conry stated that the Seniors still meet the last Friday of each month.

Mayor Higgins welcomed new council member Musick.

Mayor Higgins stated the Manager met with DEP regarding the boroughs sewer capacity which will be raised due to an oversight on their part. Mayor Higgins reported on the following:

- Took part on a butterfly releases hosted by the Karen Ann Quinlin Hospice Bereavement Center.
- The Borough received a \$12,000 Grant from Highlands. The Grand Avenue bid is out for bidders to submit.
- There is an opening on the Library Board.

Motion made by Noone and seconded by Duchemin to appoint Michelle Norris to the Library Board.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 5, Nays: 0, Abstain: 2 (Norris and Duchemin)  
Motion carried.

- Fire Department purchased a new firetruck.

- Convention time coming up, asked who on Council would like to attend. Noone, Conry and Norris expressed interest.

### **EXECUTIVE SESSION**

A motion was made by Conry seconded by Norris to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 9:26 pm with a five-minute break.

Ayes: 7 Nays: 0  
Motion Carried.

### **RESOLUTION** **AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public  
(Provision \_\_\_\_\_ relied \_\_\_\_\_ upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Investigations of violations or possible violations of the law;

  X   Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

  X   Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Conry seconded by Norris to come out of Executive Session at 9:37 pm.

Ayes: 7; Nays: 0

Motion Carried.

Motion made by Noone and seconded by Conry to extend the Managers agreement to January 31, 2015.

ROLL CALL: Conry, Duchemin, Musick, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

### **ADJOURNMENT**

Hearing no further business, a motion was made by Noone seconded by Norris to adjourn the meeting at 9:38 pm.

Ayes: 7; Nays: 0

Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk